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August 22, 2024

By ECF

Ann M. Donnelly
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East, Courtroom 4G
Brooklyn, New York 11201

Re: Letter Motion for Adjournment/Amendment of Scheduling Order

Haller et. al. v. US Dept. of Health & Human Services et al., 2:21-CV-7208

To the Court:

I am counsel for plaintiffs in the above-captioned matter. In accordance with this Court's Rules, we set forth the following in support of our motion, for good cause, and with defendants' *consent*, to extend our time to file our amended complaint from August 18, 2024 to September 18, 2024 and to extend defendants' time to respond from October 29, 2024 to December 30th, 2024. The good cause is that I have had a **stroke**, although a major one (not a mere TIA either), and I am writing this application from NYU Langone Hospital, although I am being discharged today for outpatient recuperation (after 24 hours). I am also requesting to include with extending the time to amend the pleading to extend time to file a supplemental pleading.

Plaintiffs and Defendants jointly filed a previous letter-motion and a briefing schedule, and request to adjourn a status conference, and the Court issued a scheduling Order on May 14, 2024. The court entered "SCHEDULING ORDER: The Court has received 50 the parties' proposed scheduling order. The plaintiffs' amended complaint is due by July 10, 2024, and the defendants' deadline to answer or otherwise respond to the amended complaint is September 9, 2024. The July 11, 2024 status conference is adjourned sine die."

Plaintiffs subsequently made a letter-motion for adjournment, on consent, to file their amended complaint, from July 10, 2024 to July 23, 2024 and concomitantly to adjourn defendants' time to answer or otherwise respond to September 23, 2024, which this Court granting entering "ORDER granting 51 Motion for Extension of Time to Amend. The plaintiffs' amended complaint is due by July 23, 2024, and the defendants' deadline to answer or otherwise respond to the amended complaint is September 23, 2024."

As certain health and family problems continued, plaintiffs subsequently made a letter-motion for adjournment to file his amended complaint, from July 23, 2024, to August 15, 2024 and concomitantly to adjourn defendants' time to answer or otherwise respond to October 15, 2024, which this Court granted entering "ORDER granting 52 Motion for Extension of Time to Amend. The plaintiffs' amended complaint is due by August 15, 2024, and the defendants' deadline to answer or otherwise respond to the amended complaint is October 15, 2024. The Court extends its best wishes to counsel for a speedy recovery."

Plaintiffs filed a third letter-motion adjourn the deadline for plaintiffs' amended complaint, from August 15, 2024 to August 28, 2024, and to extend defendants' time to respond from October 15, 2024 to October 28, 2024. This Court entered ORDER granting 53 Motion for Extension of Time to File. The plaintiffs' amended complaint is due by August 28, 2024, and the defendants' deadline to answer or otherwise respond to the amended complaint is October 28, 2024. The Court extends its best wishes to counsel."

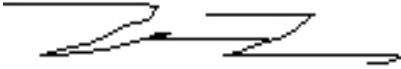
I did not imagine it could be necessary again, but I have had **a stroke** and writing this motion from NYU Langone Hospital, although I am being discharged today for outpatient recuperation (after 24 hours). This is good cause for this motion. I have documentation by virtue of my medical records at hand.

I am also requesting to be able to supplement this amended complaint. Defendants' neither consented nor objected to my request to them, but advised me they found it unclear. This is simply supplementing the amended complaint pursuant to CPLR 15 (d). This is no surprise. For example the Court's 8-10-2022 Decision and Order dismissing the due process claim of the original complaint, for lack of ripeness and jurisdiction, without prejudice, clearly contemplates supplementing this amended complaint with facts occurring subsequent to the complaint—making it ripe.

I apologize for any inconvenience to the Court, and I am thankful for the Court's understanding and patience and opposing counsel's courtesy.

Wherefore, plaintiffs, with defendants' consent, respectfully request this Court grant our motion to adjourn the deadline for plaintiffs' amended complaint from August 28 to September 18, and defendants' concomitant 60 days to respond; and we request to supplement this amended complaint with facts occurring since the original complaint was filed.

Respectfully submitted,

A stylized, handwritten signature in black ink, appearing to read 'Nick Wilder'.

Nick Wilder, Esq.

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